



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
KNOXVILLE FIELD OFFICE
3711 MIDDLEBROOK PIKE
KNOXVILLE, TENNESSEE 37921
PHONE (865) 594-6035 FAX (865) 594-6105/5253

February 4, 2011

CERTIFIED #7010 3090 0003 3955 6995

Mr. Seth J. Smith
American Coal & Iron, LLC
2192 Highway 278
Natural Bridge, Alabama 35577

RE: NOTICE OF VIOLATION
American Coal & Iron, LLC
Childers Hill Facility
NPDES Permit TN0072681
Hardin County

NOV #11-18

Dear Mr. Smith:

On October 6, 2010, you were notified by letter of the impending NPDES permit expiration for this facility. Your permit will expire on June 8, 2011. To date the Division of Water Pollution Control, Mining Section, has not received an application to renew your permit. Failure to apply for renewal of the NPDES permit at least 180 days prior to its expiration violates the terms and conditions of your permit, *The Tennessee Water Quality Control Act of 1977 Section. 69-3-108. Permits. - (a) and Rules of the Department of Environment and Conservation Chapter 1200-4-3-.05(4).*

The above violation must be abated within ten (10) days of your receipt of this letter. Failure to meet the abatement deadline could lead to additional enforcement action.

If you have questions concerning this matter, write to the letterhead address or telephone Micheal Robbins at (865) 594-5542 or me at (865) 594-5520.

Sincerely,

A handwritten signature in black ink, reading "Jonathon E. Burr", is written over the typed name.

Jonathon Burr
NPDES Program Manager
Mining Section
Division of Water Pollution Control

JEB:GWM:DAT:MRR

cc: Jackson EFO
NPDES and NOV Files